
# JUSTICE OF THE PEACE & LOCAL GOVERNMENT REVIEW

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## CONTENTS



## REPORTS



# NOTES OF THE WEEK

### An Unidentified Offender

A Scottish decision noted in *Butterworth's Weekly Law Sheet* is illustrative of a general principle of criminal law.

Two men engaged in theft used a car to escape from the scene of the crime. The car was driven recklessly so that it had two collisions. Both men were charged with reckless driving. There was no evidence as to which of the two men was driving at the time of the collisions. They were convicted, and their appeal was allowed; *Webster and Another* v. *Wishart* (1955) Sc. L.T. Rep. 243 (H.C. of Justiciary).

On this brief statement of the facts it is certainly difficult to see how any other result of the appeal could be expected. If it is known that one of two persons must have committed an offence it is not permissible to charge both and to rely upon the defendants to help the prosecution by their statements or evidence. The prosecution must prove the guilt of one or the other and not present a sort of alternative to the court.

In the Scottish case, the fact that the two men had been concerned jointly in the commission of a crime by no means proved that in the subsequent incident of the reckless driving of the car both were implicated. It might be that the one who was not driving was protesting that he did not want to be killed, or that he did not wish to be associated with possible manslaughter. If, on the other hand, there were evidence that both men were shouting defiance at pursuing police or in some other way making it plain that both were determined to make their escape by reckless driving, then no doubt both could be convicted. It would not matter which was the actual driver and which the aider and abettor, because the case would be covered by s. 35 of the Magistrates' Courts Act. In the Scottish case the position seems to have been that one of the two defendants, unidentified, was committing the offence, while the other, also unidentified, may or may not have been guilty of the offence.

### The Welfare of the Child

In all matters relating to the custody and upbringing of an infant, the Court has regard to the welfare of the infant as the first and paramount consideration. This principle was exemplified in the Court of Appeal in the case of *R.A.* v. *R.A.* (*The Times*, July 26) which was an appeal from the refusal of a Judge of the Divorce Division to make an order concerning a child of the marriage. Counsel for the husband asked the Court to hear the case *in camera*, because matters were bound to be discussed which it would be undesirable should come to the child's knowledge in any way. In the interests of the welfare of the child, he submitted, justice demanded that the hearing be *in camera*.

Singleton, L.J., observed that there was a question whether the Court had power to order that a hearing be *in camera*, but he always took the view that it ought to do so if counsel said that there was something which might injure the child in any way. Counsel said that if the appeal were heard in public, the whole matter could, perfectly properly, be reported. This girl was 12 years old and could read, and this case was the sort that sometimes attracted publicity.

In the result, after hearing that counsel on both sides agreed that it would be better for the girl's future that the case should not be heard in public, the Court agreed to hear the case *in camera* and the public left the Court.

### Case Heard *in camera*: Photograph in Newspaper

On the following day, Singleton, L.J., said that although the case was heard *in camera* a picture of the child and her mother appeared in an evening newspaper, and he asked: "What was the use of the case being heard *in camera* if pictures appeared in the newspapers?" He also said that there was mention in the papers of the financial circumstances of the little girl personally. He asked what was the use of a hearing *in camera* if the very things that counsel did not want published were told by the parties themselves. Counsel for the wife said he felt sure that she did not voluntarily have the photograph taken and counsel for the husband asked that the hearing should

continue *in camera*, adding that the only matters reported in the press were matters which were mentioned in Court before the Court went into *camera*. The judgment of the Court was then delivered *in camera*.

**Selective Parking Places**

A midland counties weekly newspaper reports a public local inquiry directed by the Home Secretary, on the subject of a byelaw made by an urban district council under s. 68 of the Public Health Act, 1925. This byelaw if confirmed by the Home Secretary will exclude some types of vehicle from use of a certain parking place, and will also limit the time during which other vehicles may be parked there. The council's proposals were strongly contested by traders and others. We are not concerned with the merits of the particular case, which will have to be settled by the Home Secretary when he has had time to weigh the evidence and arguments. What interests us is an incidental point of general application. The council had appointed as a parking place, under the earlier provisions of s. 68, the central portion of a market square, no longer used for markets. Around the appointed parking place, between it and the buildings in the square, a wide street remained for access to buildings, including the council's office, and for vehicles passing through. So far the local traders, and even some national organizations which resisted the byelaws, did not object. Indeed, they welcomed the proposal to introduce order into parking in the square, which for some years had been used indiscriminately, and they did not resist a reduction in the number of the vehicles allowed to be parked in the square at any one time. The result, if the council's proposals were modified as desired by their opponents, would be that vehicles of any and every type could stand in the parking place in the middle of the square, for as long as the drivers wished, but that a vehicle stationed on the surrounding strip of ordinary street would not be standing in an appointed parking place, and so would not be protected by the Act of 1925 from whatever proceedings were appropriate under other statutes.

The council, however, were not content with this; they wished (as we have said) to limit the time of using the parking place, by all vehicles, and to exclude heavy lorries. If the Home Secretary confirms a byelaw in this sense (and he may be satisfied on the evidence that he ought to do so) a driver who overstays the two hours' limit, or whatever be the limit, in the parking place will be liable to a fine up to £5, as will a driver who parks a heavy lorry in the parking place, for however short a time—say, while he gets a cup of tea.

But suppose that a motorist who goes into the parking place at 5 *p.m.*, and dutifully leaves as required by the byelaw at 7 *p.m.*, then stations his car in the street between the appointed parking place and the council's office, and leaves it there till midnight. Or suppose a lorry driver to park there, perhaps from 7 *p.m.*, when he has finished his statutory working day, till 7 *a.m.*, when he takes the road again. Each of these drivers is certainly committing an offence against s. 72 of the Highway Act, 1835, if there is obstruction by his vehicle. Yet people do leave cars, even lorries, all night in other highways, and proceedings are not taken for obstruction. If the police were to prosecute for obstructing the square mentioned in the report in the local newspaper (obstructing, that is, by parking in a portion of the square not appointed under s. 68 of the Act of 1925) they would have to convince the magistrates that there was obstruction; even if this were established, the maximum fine would be £2, and a lower fine, or even a discharge, would be quite likely, since the offence is one committed with impunity all over the kingdom.

There seems a strange anomaly, when the consequences are compared, namely that parking too long in an appointed place can be visited with a heavier penalty, upon proof of less, than the parking, perhaps for longer, in an unappointed place. The moral seems to be that it is doubtful whether such byelaws ought to be made, for parking places in a street.

**Oxford Traffic**

Since we last wrote of Oxford traffic, the published arguments have become as congested as Carfax itself. The city council have announced proposals; the vice-chancellor has made a suggestion which is said to be strongly objected to by citizens, and is repudiated by a group of heads of houses writing in *The Times*. Our own suggestion of a roadway crossing Christ Church Meadows, but below the surface has (without acknowledgment) been repeated in the form both of a tunnel and of an open cutting. One writer sets out in some detail the possibilities of camouflaging such a cutting and deadening the sound of engines, by scientific planting of its banks. Obviously it could be more shallow than a tunnel, thus avoiding some of the problems of a long entrance ramp, and of digging deep into the riverside soil. If it was restricted to private cars and light trade vehicles a depth of (say) 8 *ft.* would be enough. It might even be used by single-decker buses. Larger buses could be compulsorily routed further out; if the higher vehicles were provided in this way with an alternative to Magdalen Bridge and High Street, most of them would use it for their own convenience. Heavy traffic and double-decker buses would of course need a by-pass further from the centre of the city. Even if, as one opponent has said, the cutting took only the traffic for Oxford station, there would be some gain. In fact, it might be expected to take much of the commercial traffic from the east of the Cherwell to the business area round Carfax, so that the High Street would be relieved. The outer by-passes suggested would be no alternative, because there is much business traffic that must find its way into Carfax, which is (after all) a business area. Equally, the by-pass through the Meadows would not be an alternative for the outer by-passes, going round the city. Both are needed.

We recalled this Note from the printer, when it was on the verge of publication, because on July 27 the Warden of All Souls wrote to *The Times* pointing out that the above-mentioned heads of houses could not speak for colleges abutting on The High, and on July 30, four heads of the latter and eight others joined the fray. The Warden and the 12 who have since written seem to agree with our view, and he at least urges that the time has now come for a ministerial solution after full inquiry. We accordingly suggest that a next step should be a public local inquiry under the joint auspices of the Ministers concerned, at which everyone could (in Sir Hartley Shawcross's phrase) be allowed to blow off steam. That inquiry should not be conducted by an engineer or by a professional " planner "; the issues at stake are far above merely professional assessment. Moreover, one contestant group has blamed the Minister of Housing and Local Government for action he has already taken; other people suspect that the Minister of Transport and Civil Aviation may sell the pass to " traffic," without regard to other values. The inquiry should therefore not be conducted by an official of either of the Ministries. It could and should be held by an independent person, preferably a lawyer with experience of local government and of transport matters.

# THE JUSTICES OF WORCESTERSHIRE, 1591—1643

*By* ERNEST W. PETTIFER

(*Concluded from p. 473, ante*)

Before leaving the subject of levies made on the county on the King's behalf, two documents should be mentioned which seem to indicate that far larger levies were made in addition to those for the household.

The first document is a mere fragment, undated, but placed by the editor amongst the papers for 1642, possibly because it was found on the file for that year. The material words are very brief—" Payment of the money unto Colonel Sandys all which we have in the . . . of His Majesty's Commissioners appointed for the safety of the County of Worcester . . . ." The money may be that which is referred to in the second document. Colonel Sandys was in the Parliamentarian forces defeated by Prince Rupert at the battle of Powick Bridge in September, 1642. These forces retreated into Worcester after the battle. Does this fragment actually mean that monies raised for the King were to be handed over to the Roundheads in Worcester ? Again, what were these monies ?

The second document is a presentment by the grand jury of April 11, 1643, reciting a decision of the last general quarter sessions for the county whereby it was agreed by the then grand jury that the sum of £3,000 *per month* should be raised towards the payment of His Majesty's forces sent and raised for the defence of the county of Worcester. The presentment went on to state that a report from John Baker, gentleman (the collector appointed to collect this money and to pay it to Sir William Russell, High Sheriff, and governor of Worcester) informed them that much of the money was uncollected.

The grand jury voted a continuance of the £3,000 per month and recommended that troops of horse should be posted in the southern part of the county from whence, apparently, danger was anticipated. The grand jury went on to direct that Sir William Russell should account for all monies in hand, and hand the balance he held to three commissioners, who, in turn were to reimburse Colonel Sandys for billetting and debts of his regiment and the maintenance of his soldiers. Possibly an historian, with the events of the civil war in Worcestershire clearly in his mind, might make something of this confused story. The only points which are clear are that the money was originally levied for the King ; that it was an enormous sum to extract from a county largely argicultural ; and that it was ultimately to reach an officer of the Parliament forces. The commissioners, therefore, must have been commissioners appointed by Parliament, and it seems that the cash, originally intended for Royalist purposes, eventually came into Roundhead hands.

An interesting feature of these records is a number of examinations of prisoners by justices, sitting in their own houses, before committal to sessions. The examining justice of today, taking depositions in court before deciding whether there is a case to send to sessions or Assizes, is a descendant in the direct line from the old county justice sitting in his library or justice-room, listening to the parish constable and the story of the arrest, and the credible or incredible story told by the accused man or woman. Now and then the justice did not get very far and the deposition ends with the words " He will not confess," or, " Further he will not confess."

An information was laid before a justice by John Wakeman of Nether Sapie, and Thomas Wakeman, his son aged 11, both professional beggars for five years past, as to the loss of John Wakeman's purse and money. On the same day there was an examination before the same justice of Eleanor Walker of Nether Sapie, widow, " concerning the loss of John Wakeman's purse and money in the house of George Allen of Nether Sapie." This was on April 1, 1623, and the justice, at this point, must have decided that there was no case against the woman, for there was no committal. Possibly John and Thomas, self-confessed beggars, were handed over to the constable for summary jurisdiction of the recognized kind (" Whipt and stocked all rogues! "). Six months later John Wakeman was in trouble, for at an examination before Mr. Francis Dingley he was charged with theft. The deposition is brief—" Confesseth that being working in Mr. Downes' house at Comberton Mayne he took out of the chamber a pair of breeches and a jerkin, and further confesseth not," but Mr. Dingley felt that he had a sufficient confession to justify a committal, and John's name duly appeared in the indictments (a true bill).

There was an examination before Mr. Thomas Good of Richard Biglin of Castle Morton concerning two legs of mutton and a sheep's caul found in his house and supposed to have been stolen. The examination continues, " He says he bought the one leg from Wright, a butcher in Newent, and the other leg on another day in Newent, and bought the beef found in his house at the Berrow." The examination of the wife, Ann Biglin, (probably taken separately and not in the husband's presence) was very short. " She says she bought them at Newent, she cannot say of whom, but believeth of a butcher. Cannot say she would know him again, but further confesseth not." From many of these examinations it is reasonable to suppose that the constables, homely local men, untrained in detection of crime, brought their prisoners, and their own suspicions, to the justice who then proceeded to find out what evidence there was. In the Biglin case husband and wife did not agree in their stories, and the justice evidently found something more than is disclosed, for a month later the name of Richard Biglin appeared in a list of prisoners in the " Castle of Wigorn," charged with stealing not two legs of mutton but two sheep the property of Rowland Bartlett ! Delving further into this case, there are to be found two recognizances to prosecute, the first in connexion with the original charge against Richard and Ann for stealing the two legs of mutton, and another to prosecute Richard for stealing two sheep. A third recognizance proves that Ann was let out on bail with a surety, but a further entry in a list of prisoners still awaiting trial in 1638 (no date is given), shows that Richard was then still awaiting trial.

That pressure was brought to bear upon suspected persons to be examined is shown by one presentment by the grand jury of John Lynold of Chadwick, gentleman, for refusing to go with the constable to be examined, and, of course, the jury returned a true bill to their own presentment.

The Rev. John Charlett, vicar of Cropthorne, was a very active magistrate between 1626 and 1639. He it was who committed some of his own parishioners for " playing the unlawful game of football " on the village green, but, on the whole, his work gives the impression that he was a kindly and conscientious man. When compelled to commit a boy aged nine or ten for trial upon his confession that he had committed some small damage to the coach of that very important person, Sir William Russell, High Sheriff, he sent a certificate that the committal

was a compulsory one because of the confession, but asked whether anything further could be done in the matter. Personal notes were endorsed upon some of the recognizances sent on by him to the clerk of the peace, notes which might possibly help the prisoners. A letter has been preserved from him to the clerk of the peace asking him to strike out of his book an order that a man should be bound over. " The matter was the poorest business that was ever heard of," he said, " Sir John Rous is of my opinion." A somewhat amusing letter from Mr. Charlett to another justice asked the latter to hear a complaint by the parishioners of St. Michaels, Worcester, against Philip Slough " who yearly striveth to beget a child, and leaveth his wife and children upon the parish." Unfortunately there is no record of what happened to this over-zealous parishioner !

The 3,000 recognizances in this Worcestershire volume have hardly been touched upon in these notes so far, but a short note or two must suffice. A point which will soon strike the reader of these documents is the clannishness of the men of a trade. When a scythe grinder of Belbroughton was in trouble three scythe grinders were his sureties. Four carpenters of South Lyttleton, three tanners of Redditch, three coppers (does this mean coopers ?) of Bewdley and many other similar groups of men of one class are mentioned in these papers.

The large number of recognizances in a given case often attract attention. In two cases noted there were 13, in another 11—prosecutors, sureties, witnesses, defendants, all separately bound. Possibly the clerk to the justice had an eye on the fees at half-a-crown a recognizance !

Several recognizances were taken before the Bailiffs of towns—Droitwich, Bewdley, Kidderminster—and one by a High Constable. Two recognizances, one for a man, and the other for a woman, to appear at court to answer a charge of " leading an incontinent and wicked life," were discharged, both, it was endorsed, having done penance for their sins.

Justices who took recognizances out of sessions had the duty of forwarding them to the clerk of the peace in time for indictments to be prepared. A letter from Mr. Humphrey Salway of Stanford, in 1637, indicates that the usual procedure, probably adopted by most of the justices, was to send the papers, with a covering letter, by the hands of a mounted messenger. He sent eight recognizances. His notes in the letter suggest that he was a fair-minded man. Three men, he said, might be released unless any further charge was brought against them. In case four, a dispute between a husband and wife—" I hear they are agreed and I have no further matter against them." Two boys of Tenbury, brought before him on a warrant issued by another justice, had been duly bound over, he said, but he had no further matter against them. In the case of Francis Turhill of Stoke Bliss, charged with counterfeiting letters he said, in effect, that he had found a *prima facie* case but had committed him for fuller proof at the sessions. In the last case Francis Crump of Great Shelsley, and Humphrey Owen of Lindridge, had had a dispute but had come to agreement, and Mr. Salway said that he had no further matter against them. The letter ended, very courteously—" I pray you remember my humble service to all the noble and worthy gentlemen, the justices of peace who are at sessions," and it was addressed to " My very good friend Mr. Francis Walker, clerk of the peace for the county of Wigorn!" Lest his servant might be tempted to loiter in the town he added the postscript " I pray you despatch the bearer."

Our examination of these memorials of the past has been very lengthy, but still there is abundant material left for those who are interested in the life of an English county in the early seventeenth century. There is much to please in the delightful place-names of the county—St. John's in Bedwardine, Elmley Lovett, Wick Episcopi and Hanley Child ; Ombersley and Alvechurch ; Whitelady Aston and Aston Cantiles ; Martin Hussingtree and Redmarley d'Abitot. And here and there are sentences in English which could not be bettered, either for charm—" An ancient way called Greenstreet, in the parish of Ripple "—or for expressiveness—" Our stocks are insufficient to hold a rogue." And, a study in finality—" A certificate that all controversies actions and strifes whatsoever from the beginning of the world unto this day between Edmund Stelding, Thomas his son, and Ann Maunsell, Widow, are determined and fully agreed."

# WHAT IS A HOUSE ?

*By* W. A. WEST, LL.B., *of Gray's Inn, Barrister-at-Law; Senior Lecturer in Law at the College of Estate Management.*

The first Housing Act as such was the Labouring Classes Lodging Housings Act, 1851, which was followed in the same year by the Common Lodging Houses Act (described rather fulsomely by Dickens as the best measure ever passed in Parliament). Both these Acts were carried through Parliament by Lord Ashley, who became the Earl of Shaftesbury in 1851—hence the former used to be known commonly as Lord Ashley's Act and the latter as Lord Shaftesbury's Act.

Over 30 Housing Acts have since reached the statute book, but although the decision whether a particular structure is a house is often important in housing law, as indeed elsewhere, there is still no satisfactory statutory definition of a house.

Yet on this decision will depend, for example, whether an owner must demolish his premises without compensation or, where his property is acquired by the local authority, whether he will receive site value only for it.

A definition by inclusion of the word " house " is given in s. 188 (1) of the Housing Act, 1936, which states that, unless the context otherwise requires, " house includes any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith," but this does nothing towards distinction. *Lumley's* note at p. 3090 shows that the definition came from earlier Acts, and had lost at least some of its meaning in the process.

Various other sections provide extended definitions for the purposes of particular provisions of the Act. For example, for the purposes of s. 2 (which deals with the implied obligations of landlords as to the condition of certain low-rented houses) the term " house " includes part of a house. By s. 23, in relation to repair notices, demolition orders and closing orders, references to a house include a reference to a hut, tent, caravan, or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years. And the same extended definition is, by s. 26, applied to clearance orders.

By s. 188 (3) the expression " house " includes, unless the context otherwise requires, any part of a building which is occupied or intended to be occupied as a separate dwelling; but this definition is limited to the provisions dealing with the provision of housing accommodation. This definition, like the definitions found in the 1938, 1946, and 1949 Acts, is mainly of importance to local authorities in connexion with Exchequer

grants. In that context, the definition in s. 50 of the Act of 1949 specifically includes flats and parts of buildings.

The question when a house is (or is not) a house has come before the courts on many occasions, and it is proposed to discuss some of these cases and draw some rather cautious conclusions therefrom.

In *Premier Garage Co.* v. *Ilkeston Corporation* (1933) 97 J.P.N. 786, the local authority made a demolition order in respect of premises which were used mainly as a dwelling-house but which also included a retail shop. The county court Judge set the order aside on the grounds that the premises were not a dwelling-house as defined in the Act—" including any yard, garden, outhouses and appurtenances belonging thereto "—as no mention was made of a shop.

The Court of Appeal reversed this decision and restored the demolition order. In order to have a dwelling-house it is not necessary to have a house in which some member of the family must sleep in every room. There must be various rooms devoted to various purposes, and a dwelling-house did not cease to be one because some rooms or part of it were not actually used as living rooms.

The term " appurtenances " found in s. 188 (1) of the 1936 Act, was considered in *Trim* v. *Sturminster R.D.C.* [1938] 2 All E.R. 168; 102 J.P. 249.

At the time of this case, demolition orders could only be made in respect of houses suitable for occupation by persons of the working classes. The local authority made a demolition order in respect of a small house which had last been let together with 10 acres of land. The county court Judge considered that the ten acres were appurtenant to the house and the definition in s. 188 (1) therefore compelled him to consider the house and 10 acres as an entity. He quashed the demolition order on the ground that a member of the working classes would not occupy such a property. The Court of Appeal, however, reversed his decision on the ground that the whole 10 acres were not appurtenant. Slessor, L.J., said " . . . no case has been cited to us in which the word ' appurtenances ' has ever been extended to include land which does not fall within the curtilage of the yard of the house itself . . ."

In *Morgan* v. *Kenyon* (1913) 78 J.P. 66, the question was whether a house could be " suitable for occupation by persons of the working classes " if (being unfit for habitation) it was unsuitable for occupation by anyone at all. It was held that it could—" suitable " is a word of different meanings in different contexts.

Three cases, in which owners have unsuccessfully contested clearance orders on the ground that there were no houses in the area, are worthy of mention.

Section 25 of the 1936 Act which enables local authorities to declare an area to be a clearance area, specifies (as amended by the 1954 Act) that the local authority must be satisfied that the houses in that area are unfit for human habitation; or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area; and that any other buildings in the area are similarly dangerous or injurious to health. It is plain that, whatever other buildings there may be in the area, there must be houses.

In *Ross* v. *Leicester Corporation* (1932) 96 J.P. 459, it was held that lodging houses were " dwelling-houses " and not " other buildings." (Before the 1936 Act, the corresponding provisions referred to dwelling-houses, but there seems to be no significant difference between a house and a dwelling-house in housing law.)

In *re Hammersmith* (*Berghem Mews*) *Clearance Order*, 1936 [1937] 3 All E.R. 539, a clearance order was made in relation to premises consisting of garages with dwelling rooms over; the dwellings not being let, occupied or used in connexion with the garages and not communicating with them. The owner contended that the lower parts (*i.e.*, the garages) were not dwellings nor part of dwellings and consequently demolition of the whole premises could not be ordered. Only the top part (the dwelling rooms) could be ordered to be demolished; if this were done, the garages would remain and could safely be used after certain work had been done. The Court held, however, that they were all one building and such a horizontal division could not be made. The order to demolish the whole, was, therefore, valid.

In *re Camberwell* (*Wingfield Mews*) *No. 2 Clearance Order*, 1936 [1939] 1 All E.R. 890, a clearance order was made in respect of a cul-de-sac consisting of two-storey buildings. The ground floors were garages, workshops and stables; the upper floors were dwellings with separate entrances, but the divisions between them did not in all cases correspond with those between the garages. The Court rejected the owner's contention that none of the buildings was a house. Greene, M.R., said: " Whether a particular building does or does not fall under that word is a mixed question of law and fact." He then proceeded, in effect, to treat it as a question of fact.

At first instance Du Parcq, J., had held that the structures were composite buildings, the upper parts being houses and the lower parts being other buildings, but on appeal it was held that such a horizontal division could not be made. *See*, also, *Re South Shields* (*D'Arcy Street*) *Compulsory Purchase Order*, 1937 [1939] 1 All E.R. 419; 103 J.P. 107, in which the Court came to the same decision on similar facts, but again without fully ascribing reasons.

A different problem arose in *Birch* v. *Wigan Corporation* [1952] 2 All E.R. 893; 116 J.P. 610. Here the problem was whether houses in a terrace could be treated as part of a building. The plaintiff owned six terrace houses, three of which were suitable for living in, the other three being unfit for human habitation and not capable of being rendered fit at reasonable cost. Each house was self-contained. The Wigan corporation had made a closing order in respect of the three unfit houses. Apart from the case of buildings of special historic or architectural importance (which these were not) a closing order could at that time only be made in relation to a " part of a building." The corporation took the view that it would be impractical to demolish the three unfit houses as this would render the other houses unsafe, but if they were closed and remained supporting the other three, the latter could be lived in, and that in view of the housing shortage that solution was desirable. The owner admitted that a demolition order could be made and indeed would have welcomed it, but contended that a closing order could not be made as an entire house could not be treated as " part of a building." The Court of Appeal upheld this contention, and the corporation were, therefore, bound to serve a demolition order. In the result, legislation [The Local Government (Miscellaneous Provisions) Act, 1953] was introduced forthwith with retrospective effect to enable closing orders to be substituted for demolition orders in such cases.

It seems that, apart from any extended definitions in particular provisions of the Housing Acts, for the purposes of the Housing Acts:

(1) the question " What is a house? " is mainly one of fact;

(2) a building is a house even if (*a*) part of it is used for other purposes; or (*b*) it is unoccupied and in fact is unsuitable for occupation;

(3) a hotel or lodging house is a house;

(4) one of a row of terrace houses is a house and not merely part of a building; but a horizontal division cannot be drawn so as to make one floor a house separate from another floor. It is submitted that this is limited to demolition cases;

(5) the term "house" together with "appurtenances" will not necessarily include the whole of the land with which a house is usually let.

# SIDELIGHTS ON MAGISTERIAL HISTORY

*By* THE REV. W. J. BOLT, B.A., LL.M.

One day when our magistrates become class-conscious, they will awake to the glories of their pedigree, and will commission a mammoth, epic record of their innumerable predecessors in title. Modest as they are about their present services to the community, they are apathetic about their wonderful past.

Today, I am trying to reconstruct the magistrate of the middle nineteenth century, from the first 15 volumes of the "J.P." That was roughly the period when he attained his heyday as local potentate. His evolution during that century followed the pattern of the mediaeval sheriff; a regional viceroy whose vast powers were slowly transferred by legislation to newer institutions. But this is not a very good parallel. The sheriff has become a mere ceremonial figure, for State occasions only; the magistrate has lost many powers, and yet his routine duties are as burdensome—and useful—as ever.

When the "J.P." first made its appearance, sinister suspicions were in the air. The earliest volume actually contains two letters which hint darkly at some recent proposal for abolition.

Thus, in 1837 at p. 41: "Sir, It seems that Mr. Hume, member for Middlesex, has sent to every clerk of the peace of almost every county in England, a copy of a bill brought by him into the House of Commons, which, if passed into law, would supersede the jurisdiction of magistrates as to county rates and would vest the same in an elective council without regard to money qualification. Now, although I think great improvements may and ought to be made in the office of justice of the peace, I see no reason in the proposal for sweeping away their authority in one material branch altogether. It must be admitted that justices of the peace failed to execute the poor law usefully, but that neglect is now in course of remedy by the operation of the Poor Law Amendment Act . . ." and the letter mentions a proposal that every town having 20,000 inhabitants shall have a 'paid police magistrate.'"

At p. 55 of the same volume the same correspondent writes again: "The Magistracy. Sir, I addressed you a few weeks ago on this head, and I then said what I now repeat, I do not think the country would gain by an extinguishment of the unpaid magistracy. Magistrates and their friends are apt to fear that, if the office is abridged of any of its privileges, the order will be annihilated. Let them however consider whether, if they do not permit wholesome alterations, such as the progress of time and the change of society demand, they may not by such refusal precipitate a destruction which would otherwise never happen." After citing a few reforms which he deems to be urgent, he concludes, "many other improvements are necessary, all of which I hope, will emanate from the magistrates themselves."

The editor takes up the theme in a leading article at p. 98 of the 1837 volume, "On the Institution of the Unpaid Magistracy," where it appears that the office has lately come under fire again. "The institution of justices of the peace has recently become the theme of general discussion, and that with a temper or acrimony in proportion to the judgment or prejudices of the disputants. The principle of the administration of justice by unpaid magistrates is contested, but, at the same time, the obvious impolicy and the total impossibility of substituting unpaid functionaries throughout the wide extent now subject to the jurisdiction of the justices seems to be lost sight of"; and it becomes evident that the editorial is provoked by some plan which would make the office elective.

"The prodigious accumulation of duties, since heaped by various statutes upon the justices and their successors, and above all, the power to hear and determine offences and award, with a very large discretion, every penalty of the law short of capital punishment, has given them a weight of authority, with respect to the criminal jurisprudence of the country, far too great to expose the holders of it to the temptations which might accrue from seeking their office at the hands of the people. The influence of the Crown, by which they are appointed, is, from its remoteness, far less to be dreaded than that to which a popular representative is necessarily subjected . . ."

The second instalment of the article, at p. 113, expounds the difficulty of replacing 7,050 unpaid magistrates by stipendiaries.

Stipendiaries come into the picture occasionally. The earliest discreditable reference to a magistrate in the "J.P." is in 1838 at p. 26, which explains at great length the dismissal of Mr. Laing, stipendiary magistrate at Hatton Garden. Lord John Russell has written to him for an explanation of his assault in the street on Dr. Paine, of Westminster. Mr. Laing states the circumstances. "On the night of Tuesday, the 13th Jan., I had occasion to pass the corner of Catherine Street, in the Strand, on my way to my chambers in the Temple. At the corner of the street, I was violently run against and nearly thrown down by an individual totally unknown to myself but who was evidently acquainted with my person . . . I have endeavoured for 17 years and upwards conscientiously to perform the duties of my office. During that period, I have been made fully conscious that the uncompromising discharge of such duties has a tendency to make enemies and that I have incurred hostility on this score. I have been repeatedly insulted in the street by parties unknown to me, whose molestations I can only attribute to some dislike which has been engendered in the inflexible discharge of my public duties. On the day in question I was twice subjected to annoyances of the kind referred to. I sincerely entertained the opinion that Dr. Paine had run against me designedly, and that it was another instance of premeditated insult. I admit that angry words passed between us, and after, a scuffle ensued, in which, I assert, I interfered only with a view to self-protection. To accomplish that object, and to avoid an immediate breach of the peace, I gave Dr. Paine in charge to a constable, by whom, I understand, he was taken to the station house, where he was liberated on his own recognizances, to appear on the following morning. On that morning, the Wednesday, partly in consequence of the duties at my own office which prevented my attendance at Bow Street, and partly from an unwillingness any further to prosecute the charge, I neglected to appear. Dr. Paine attended, and was told by Sir Frederick Rowe that, as I was absent, he need not remain, and that he would be informed if his further presence was required. On Thursday, I saw Sir Frederick Rowe and Mr. Twyford at Bow Street; who informed me that they had that

day seen Dr. Paine, who had come to Bow Street of his own accord, and had heard his statement, and that he had assured them the collision with me was the result of an accident, not of design on his part."

Mr. Laing then tendered an apology, which Dr. Paine declined to accept unless accompanied with a condition that the magistrate should pay £5 to a public charity. "This condition, usually understood in society as admitting, not simply an error or misconception, but an act annoyingly and wilfully wrong and of a humiliating character, was one to which, in the opinion of all my friends and myself, I could not and should not subscribe."

Dr. Paine thereupon pursued his remedy at law, and was awarded £1,000 damages for the assault. The incident, and the appointment of Mr. Laing, terminated with a letter from the Home Office:

"Whitehall, 1st Jan., 1838: Sir, I am directed by Lord John Russell to inform you that he has read the statement made by you in your letter of the 16th ult, relative to the proceedings which have taken place between you and Dr. Paine. I am further directed to acquaint you that Lord John Russell having carefully considered your statement, together with all the circumstances of the case, is of opinion that he cannot consistently with his public duty recommend to Her Majesty that you continue to hold the office of police magistrate."

Letters to the editor often give us a first-hand insight into magisterial minds. Consider the problem which exercised those two whose contributions appear in 1838 at p. 60.

"Gentlemen, Perhaps you will do me the favour to insert the following query in your next. Does a justice of the peace for Middlesex possess the right to a seat on the bench at the various police offices, or does he take his seat by the courtesy of the stipendiary magistrates? And if he differs in opinion with the stipendiary magistrate, in accordance with whose views is the judgment given?"

"Gentlemen, Feeling satisfied of the great utility of this publication, I am anxious to make a suggestion, on behalf of a very useful body of men who, however, at times require some drilling to enable them to administer the law with proper effect. I mean the remote country justices who are very often not sufficiently enlightened to enable them to construe with correctness a simple Act of Parliament. I would suggest to you that a portion of your valuable publication should be devoted to weekly preliminary lectures on the duties of magistrates, simplifying them as much as possible in order that they may be easier of comprehension. You may say probably that Dr. Robinson's excellent work by Archbold and other excellent works are sufficient, but I do assure you that the contrary is the fact. A country gentleman of my acquaintance, an honest John Bull, who had devoted the whole of his life to agricultural pursuits, was surprised at finding his name in the commission of the peace some six or eight months back. He dined with me two or three days after and expressed himself much gratified at the honour that had been conferred on him, but 'what I am to do, where I am to go, or what I am to say, is to me perfectly incomprehensible.' I advised him to get a late edition of *Burn*, which he did, but the mass of information contained in that admirable work, tended so completely to confuse his bewildered ideas (which till then had been devoted entirely to building, cattle, and farming his own land), that he gave up in despair, choosing rather to live on as before, than incur the charge of being an 'addle-pated justice.' Now, gentlemen, if your work had been In Esse, and contained a few simple instructions weekly as to the duties, etc., my poor friend would now in all probability be acting in his magisterial duties, with credit to himself and usefulness to his country. I will conclude by remarking that our magistrates nearer town, who are generally a little better informed, would gladly give up a portion of your work for the benefit of their brethren in the country. Yours most obediently, X.Y.Z."

This suggestion drew a snorting rejoinder from a magisterial martinet. At p. 90: "Gentlemen, As a subscriber to your paper, I decidedly object to any portion of that paper being converted into a school book for ignorant, honest John Bull, who takes the office of magistrate without being qualified to discharge the duties, as recommended by X.Y.Z. in your last number. I would humbly suggest that upon any occasion that his services were required, he should send for the magistrates' clerk and, under his superintendence, do what is required of him. This will render him safe, and your paper open for valuable information."

Again we hear one of them stating his perplexities in his own words, at p. 107. "Gentlemen, Having lately qualified as a magistrate and begun to act at the petty sessions held in my neighbourhood, I have of course much to learn, and with that in view, have taken in your valuable publication which I find very useful, and now request your opinion on a subject which seems to me to require explanation.

"At the petty sessions which I attend, I find several clerks employed, one of whom I have selected as my own adviser, and to whom I have frequently occasion to apply on points new or doubtful to me. But I find it to be the custom from time immemorial, for these clerks to act also as advocates or attorneys (when so employed) for the parties in the matters which are brought before us, and that some of them have a sort of general retainer from different townships 'to do their business' as it is called, when wanted. Now I cannot comprehend how the same man can plead the cause of a client, and give honest and impartial advice to the magistrate who is to decide upon the case; or how duties so opposite can be properly undertaken by the same person who is often very influential in the decision of his principal. I request therefore your opinion whether such a practice can be lawful or consistent with the right principles of judicial proceedings . . ."

There are remarkable disclosures in an article in 1845 at p. 673.

"Buildings and Places of Holding Petty and Special Sessions: Parliamentary Return on Meeting-places.

"We are extremely glad that so useful a document has been called for, and Capt. Pechell deserves the thanks of the magistracy and the officers of the summary jurisdiction for thus bringing before the public the difficulties under which they labour in carrying on their administrative functions. The public mind will now be disabused, we hope, of a portion of its misconceptions, and no longer lay at the door of the justices or their clerks the blame of holding their meetings at inns and public houses. We wish it had been required to state in the return by whom the rent for the building or hall was paid. It would then, we believe, have been found in the majority of instances, the justices or their clerks paid the rent for their public service out of their own pockets . . . At St. Austell, the clerk actually pays the overseers of the parish one shilling each meeting for the use of a room in the new town hall. This is reversing the order of things, paying the public itself for serving it."

"We have given this Parliamentary paper such extended notice in order to meet and refute the eternal complaints and misrepresentations of the public press, especially of a writer some time ago in the 'Globe' relative to the holding of petty sessions at inns and at the abodes of justices. We do hope that the Return will convince the public that before it ventures to reprove these practices, it will consider whether it is not first bound to provide such means as will render them unnecessary."

*(To be continued.)*

# MISCELLANEOUS INFORMATION

## COUNTY BOROUGH OF SOUTH SHIELDS—CHIEF CONSTABLE'S REPORT FOR 1954

South Shields was honoured by a visit by Her Majesty the Queen on October 29 and the local force had to call on the assistance of other forces and of the special constables on this occasion. Fifty-one members of the local special constabulary were on duty, out of their total strength of 146. We wonder whether the value of the services of the "specials" is always fully appreciated by the public, to whom these services are given free of charge. We say "free of charge" because under the heading "Finance" the total cost of the police force for the year is shown as £136,794 and of this only £37 is allocated to "special constabulary and first police reserve."

The authorized establishment of the regular force is 156, and the actual strength on December 31, 1954, was 147, plus one constable who is seconded as an instructor to No. 2 District Police Training Centre. During the year only 31 applications were received from men wishing to join the force. There were also two applications carried over from 1953. Only five were appointed.

The force operates a wireless scheme which is shared with the borough fire brigade. Two constables share the duties of operating the main station and, during 1954, 14,784 messages were received and 580 were sent. Thirteen arrests resulted from wireless messages.

In the field of games the force did very well at football, their team winning the Northern Police Orphanage Cup and the Salter Trophy, this latter for the second time in three years.

The number of indictable crimes during the year was 930, with a very high percentage (70·64) of detections. Two hundred and fifty-six persons were proceeded against for these 657 detected crimes, and it is somewhat disturbing to find that 119 of them were juveniles who were responsible for 43·5 *per cent.* of the detected crimes. The chief constable feels that "one can trace the root cause of a large proportion of juvenile delinquency to a serious lack of parental control and supervision, and parents must be encouraged to fulfil their responsibility to their children, and to society, by proper guardianship and discipline." We respectfully agree and are glad to see mention, so far as children are concerned, of the word "discipline" to which some seem so strongly to object.

Offences which may be classed as "breaking" offences totalled 171. This is perhaps not surprising when we read that during the year the police found 633 premises insecure, a kind of open invitation to would-be offenders.

Non-indictable offences increased by 202 to a total of 968. These included 308 road traffic offences. In addition, cautions were "administered by the police" in respect of 680 such offences.

The South Shields police seem to be very active in their supervision of licensed premises. There are in the borough 121 on-licences and 92 off-licences, a total of 213. We do not know to what extent it is the practice to visit "off-licences" as well as "on-licences," but the total number of visits paid by the police during the year was 7,658. If this number is divided by the total number of licensed premises it gives an average of 36 visits to each; if only the on-licence premises were visited the average number of visits was 63. There were 171 convictions for drunkenness, and there were also eight convictions under s. 15 of the Road Traffic Act, 1930.

There was a considerable increase, compared with 1953, in the number of accidents involving death or injury, 266 against 174. Of the accidents classed as "avoidable" 58·1 *per cent.* are attributed to the carelessness of pedestrians. The chief constable refers to discussions which are taking place which may result in new legislation to govern the conduct of all road users. He expresses the very practical view that he hopes that new legislation will be kept to a reasonable minimum since it is bound to create added work for an already overworked police service. This would mean, we fear, either that nothing much could be done, or else that something else which is being done would have to be neglected. The report suggests that due enforcement by the courts of existing law, particularly by disqualification where appropriate, would help.

## MENTAL HEALTH DESPITE MENTAL RETARDATION

This is the title of an article in a recent issue of the *Lancet* by Dr. A. F. Alford, C.B.E., senior medical officer, Ministry of Education. He shows that mental deficiency is not an illness or a disease of mind but rather an arrested or incomplete development of brain, usually from birth but leading to a diminution of intellectual powers relative to the chronological age. He considers it unfortunate that children who are born with this deficiency of mental powers receive less sympathy and understanding than children who are physically handicapped, and that this attitude is greatly to be deplored. For if the mentally defective are not received naturally and without bias into the community but are shunned or treated as outcasts, their mental health suffers, leading frequently to introspective emotional disturbance or an aggressive antisocial behaviour. It is urged, therefore, that every child who is handicapped either in mind or body should be looked upon not as a defective but as a normal child with a deviation from normality in one particular respect. Whatever the intellectual level, the aim must always be to nurture and develop to the fullest extent in early life the intelligence there, so as to enable the child to live a life to the limit of his powers and to equip him to take his place, however lowly, in the world around him; and to make him acceptable to his fellow men. Furthermore, the retarded child must have within him a sense of self-respect if his mental health is to flourish.

Dr. Alford maintained that a child can be helped to develop his mental powers to their fullest extent if he is given the right education and training. Although a mentally retarded child will, in intelligence, be well below the average for normal children of the same age he will have some mental qualities which may be above or below his general level. It has been found that once action has been taken to secure proper education for a mentally subnormal child results as a rule are quickly apparent; particularly if the child is transferred from ordinary school with large classes to a special school which caters for children of his intellectual level in smaller groups. After education or training is ended, employment has a direct bearing on the mental well-being of these children. Lack of intelligence is not by any means a bar to gainful employment. Because of their mental deficiency, discontent about the relative lowliness of a job does not arise. In conclusion Dr. Alford suggested that the ultimate aim with these children should be to make them happy and contented. With happiness will come mental health, and the child who has good mental health, even if he is mentally defective, is an asset to the community and therefore to the country.

## PRESTON RURAL DISTRICT COUNCIL ACCOUNTS, 1954/55

Once again Preston leads the rural field in the publication of its annual accounts, and we compliment the chairman of the finance committee, Councillor C. E. Harris, and the clerk and chief financial officer, Mr. F. B. Young, M.B.E., B.A., F.I.M.T.A., on the early presentation and on the informative and attractive way in which the figures are submitted.

The financial position of the authority is one of great strength. There was a surplus on general district revenue account of the year of £3,000 and the accumulated surplus carried forward at the year end amounted to £28,700, substantially held as a cash balance. A penny rate in the area produces £990.

Although the housing revenue account showed a deficiency for the year of £706 this was debited against a comfortable surplus brought forward and at March 31 there remained a credit balance of £8,200 on the revenue account where, by comparison, the total expenditure for the year is recorded at £61,500. The housing repairs account had a credit balance of £25,800, income for the year exceeding expenditure by £4,700.

Water is purchased in bulk and there was a deficiency of £1,520 on the year's distribution activities, just about double that of the previous year. It was charged against the surplus brought forward, reducing that figure to £2,890.

The council has made a number of advances under the Small Dwellings Acquisition Acts and at March 31 the total amount advanced to mortgagors was £142,000.

Preston is one of the diminishing number of authorities who allow a discount for prompt payment of rates. This cost the council £3,840 in the year under review and while collection of the rate of 17*s.* 8*d.* was excellent, arrears at March 31 amounting to only £70, we believe that the widespread prosperity of the country makes the continuance of special financial inducement a matter for serious consideration.

Loans outstanding at March 31 totalled £1,827,000, the great majority of which were raised for housing. During the year there was an increase of £280,000 in the net loan debt, due to the housing programme, advances to house purchasers and construction of new water mains: it is the policy of the authority to lend all surplus superannuation moneys for rate fund capital purposes. The average rate of interest on pooled loans was 2·95 *per cent.* as compared with 2·65 *per cent.* during 1953/54.

## HULL CHILDREN'S COMMITTEE REPORT

In his report to the children's committee, Mr. Henry Norris, children's officer for Kingston-upon-Hull, looks back over five years and takes stock of the work done during that period under the long-term plan decided upon by the city in 1950. Considerable progress has been achieved and is still proceeding. Family homes have been established, but efforts have been made to increase boarding-out and the percentage of children so dealt with has increased.

There can be a temptation not to board-out well-behaved children, but the right attitude is obviously to think of what is best for the child rather than what is convenient to institutions. This report says: "It is easy to pay lip-service to the merits of boarding-out, but when it is a matter of losing your 'best' children and keeping the difficult ones, it shows a grand spirit of service that house-parents think only of the needs of the children and not of their own inclination to keep their charges to themselves."

While it is not difficult to find foster parents for young and attractive children, it is not so easy to find people willing to take children who are known to be difficult. It is encouraging to read that one advertisement for the offer of a home to a girl requiring special care, produced 30 replies, and out of these replies, it was possible not only to find a home for the girl but also to board-out eight other children.

A year's experience of the employment of an admissions officer has shown that the number of children received into care, in proportion to the number of applications, has decreased. As Mr. Morris observes, paradoxical as it may seem, the main function of an admissions officer is to prevent children from being received into care if it is possible to make other arrangements, because it is better for children to be placed among relatives or friends. Unfortunately, parents often do nothing about an emergency such as a pending confinement until the very last moment, when they say, "We will put the children in a home."

Family homes, for those who cannot be placed with foster parents, can be made very much like real homes. It is a testimonial to what is being done in this respect by the Hull children's committee that the following appears in the report: "In cases where boys and girls have left the family homes of their own accord to take up residential employment elsewhere, they still come 'home' on holidays and for week-ends. In one home where both a boy and girl are working away, it is a small but interesting point that last year the boy wrote and said, 'Can I come home for Christmas?' whilst the girl wrote and said, 'I am coming home for Christmas.'"

The provision of remand homes is often a problem for local authorities. To provide a home with suitably qualified staff for a small number of children is very expensive. On the other hand, it is inconvenient if the remand home is at a great distance from some of the courts which make use of it. This report says: "Although constant efforts are being made to find alternative premises within the city, there is not yet any progress to report and until some suitable house is acquired, we shall be faced with rising costs of maintaining a large building for constantly decreasing numbers of boys on remand . . . Now with room for 24 boys, our average number resident during the year has been six, and shows signs of decreasing still further."

## RURAL DISTRICT COUNCILS ASSOCIATION

The annual conference of the Rural District Councils Association was held at Eastbourne from June 21-24 under the chairmanship of the president (Sir Arthur Colegate). In his opening address, the president deprecated the remoteness of control in modern democracy to which he attributed many labour troubles. This did not apply to local government and on local government reform he urged that rural local government must in essence be left in the position where the electors know their representatives and can understand the motives that justify the action which they take.

Addresses were given to the conference by the Rt. Hon. The Viscount Hudson, P.C., C.H., on "The importance of local administration as opposed to central administration" and by Mr. William Deedes, M.C., Parliamentary Secretary, Ministry of Housing and Local Government. Lord Hudson emphasized the important work which was being done by rural district councils and showed that they have built more houses per thousand of the population than borough or urban districts. Mr. Deedes also referred to the part which rural district councils have taken in the housing programme and said that nearly a quarter of the houses built in the last three years had been in their areas.

A paper on Town and Country Planning was given by Mr. F. B. W. Linnitt, clerk to the Malling rural district council, who referred to the views which have been expressed that the inspectors who conduct local inquiries should be divorced from the Ministry of Housing and Local Government and made separate entities, possibly under the nominal jurisdiction of the Lord Chancellor. Improvement grants were comprehensively considered in a paper by Mr. F. H. M. Sargent, clerk to the Pewsey rural district council. He pointed out that local authorities who have liberally exercised their powers in this respect can already see the results of their enlightened attitude in an ever increasing number of old properties given a new lease of life and provided with all modern amenities. He was sure that the contentment and pleasure experienced by the occupants of improved houses with the consequent improvement in health and happiness should convince the local authorities concerned of the absolute rightness in pursuing this aspect of their housing functions. The subject which gave rise to most controversy in the discussions was by Mr. R. Partington, F.I.M.T.A., treasurer of the Eton rural district council, on the "Re-rating of agriculture and industry." Several delegates strongly expressed the view that agricultural land should continue to be de-rated but the views expressed by Mr. Partington that agricultural buildings should be rated did not seem to meet with much opposition. It was pointed out that the policy advocated by the association following the conference last year was that any re-rating should only affect agricultural buildings and not land.

## FAMILY GROUP HOMES

The County Councils Association *Official Gazette* contains an interesting article on the provision of "family group homes" by local authorities under the Children Act, 1948. Seventeen authorities have opened such homes—eight county boroughs and nine county councils. Eleven have homes on housing estates whilst the rest are in private residential areas. The aim of such a home is to provide an artificial "family" for the child who for some reason has had to leave his own family. Boys and girls between the ages of three and 15 years are usually therefore taken. The number of children in the home may vary between seven and 14, the commonest numbers being eight, nine and 10. Some authorities allow their older boys and girls to go out to work and live in the home until they are 17 years old. Usually there is a married couple in charge with the man following his own employment whilst his wife is a full-time housemother. The man receives free emoluments in return for his presence in the home. Only three authorities employ both man and wife full-time. A warning is given that it is difficult to envisage enough work for the man who may well tend to become lazy. Several authorities employ women only, mainly because it has not been possible to recruit a man who can obtain suitable work in the neighbourhood. It is said that some men have found it difficult to accept the fact that the wife is officially in charge of the household and tensions have arisen when a tired man expects attention from his wife in the evening at the same time as the children are making demands on her. The question of providing a relief for the woman when she is off duty presents special difficulties. As to the effect of these homes on the children themselves, all the authorities concerned report that they have shown improvement in every way. The homes are being used generally for long-stay children who are not to be boarded out or for families whom it is wished to keep together. Vacancies only occur when a member of the "family" reaches working age. Fitting-in a new child is often difficult and the greatest care has to be taken in selecting the right child as if he is a misfit, he can be far more unhappy than in a larger unit. Clearly this scheme although admirable in some respects has serious difficulties to overcome.

## CARNEGIE UNITED KINGDOM TRUST

The financial help given by the Carnegie United Kingdom Trust is spread over a wide field as is shown in the forty-first annual report published recently. In the sphere of the arts, grants were made to museums and in the sphere of music and drama to county committees concerned with these activities. Local authorities will, however, be specially interested in the support given by the Trust to community services and family welfare. In this connexion, continued help has been given to the National Council of Social Service as to similar bodies in other parts of the kingdom. One of the projects in which the Trust is interested is research organized by the Family Welfare Association into the nature of problem families, so as to provide some help for social workers in different agencies concerned with family problems. Considerable help is being given in support of the work of Family Service Units, which since the issue of the report have been honoured by the Queen Mother becoming their Patron. In the rehabilitation of homeless families, which is being assisted by grants to the Brentwood Recuperative Centre, as well as through the Family Service Units, it is stressed in the report that although these families do not amount to a large percentage of the population they present problems out of all proportion to their numbers. It is not, however, only by large grants that the Trust gives help. A grant of £250 has assisted in the production of a manual for lip-reading, which has proved of great service to handicapped people, especially those who have become deaf in adult life. Another small, but useful grant, is one to the College of Teachers of the Blind for research into the possibility of establishing standard attainment tests for children in blind schools for use in connexion with selection for further education.

### WEST HAM PROBATION REPORT

The percentage of probationers completing the period of probation satisfactorily is usually high, and judging by some of the reports we receive, generally higher in the older than in the younger age groups. In his 1954 report, Mr. Alexander H. Lambert, senior probation officer for the county borough of West Ham states: " The failures of probation still maintain a low percentage—25 in 1954 compared with 30 in 1953. Once again the majority of defaulters were in the ' young person ' class, and were committed to Home Office approved schools. Invariably they had been before the courts twice or three times previously, and were given every chance to reform before being sent away from their homes. It is noteworthy that in seven cases of failure, a further chance of probation was given."

It is not altogether surprising that young people should often take probation less seriously than do older people. Older people have a greater realization of the probable results of a breakdown and have, or at all events should have, developed a stronger sense of responsibility. Besides, courts quite rightly take the risk of a trial on probation even when the outlook is not very hopeful but the offender is still young.

The policy of discharging probation orders on account of exemplary conduct is considered by many magistrates to be sound. On this point Mr. Lambert says that discharging an order is particularly pleasing to a probationer as it is more or less a vote of confidence on his or her good behaviour in the future. That is probably right.

There was a slight increase in the number of juvenile offenders brought before the court, as compared with the figure for 1953, but the total is still well below figures for 1951 and 1952. Beyond control and care or protection cases increased from 37 in 1953 to 49 in 1954. The work of after-care continues to increase steadily in West Ham, and, as the report says, in many ways these cases require much more constant handling than those who are on probation, as so many have difficulties to meet after being away from their homes for long periods of time. It is satisfactory to read, however, that a high proportion of these cases respond very well.

### BUILDING BYELAWS

The Association of Municipal Corporations is concerned at complaints which they have received from members as to the insistence of the Ministry of Housing and Local Government that when making new building byelaws they shall use the model form without amendment. It has pointed out that originally byelaw-making powers were conferred to enable local authorities to regulate certain matters in the light of local circumstances. The byelaws were subject to scrutiny, or in some cases the approval of a government department and were also liable to be declared invalid by the courts because they were *ultra vires* or unreasonable or on some similar grounds. The association is of the opinion that it is the function of the local authority to make byelaws which are reasonable having regard to local circumstances and the function of the Minister to satisfy himself that the statutory procedure has been complied with and that the byelaws submitted to him are necessary and reasonable having regard to local conditions and, if so satisfied, to confirm the byelaws. It has been the practice for many years for the government department concerned to issue a series of model byelaws relating to a number of subjects in respect of which byelaws may be made. The association regards these models as a means of informing local authorities as to matters clearly within the range of subjects which may or should be dealt with and providing them with guidance as to forms which are likely to be acceptable to the Minister and the courts. They do not consider, however, that, even where, as in the case of building byelaws, the local authority are under a statutory obligation to make byelaws for their area, model forms should be used by the Ministry as a means of imposing rigid uniformity on the whole of the country. If a single code is to be imposed on all parts of the country it is pointed out that it can be done with far less expenditure of time and money by including the provisions in a statutory instrument. The association, however, is far from convinced that a uniform code is either necessary or desirable in the matter of building byelaws and that it is important that due regard should be given to local characteristics and circumstances when the byelaws are being framed. They have therefore expressed the hope to the Ministry that a more flexible policy will be adopted. This seems a reasonable attitude to adopt.

### THE SPEED LIMIT

The London and Home Counties Advisory Committee is undertaking, at the request of the Minister of Transport and Civil Aviation, a review of the 30 mile per hour speed limit on roads of traffic importance in the London traffic area with a view to the removal of inconsistencies having special regard to the effect of this speed limit on the flow of traffic into and out of London and to the incidence of accidents on these roads. The committee will also examine the case for introducing differential speed limits on main traffic routes in the London area, whether or not restricted at present. The committee is consulting various persons and bodies, including the local authorities associations.

### HOUSING—RESIDENTIAL QUALIFICATIONS

The Central Advisory Committee of the Ministry of Housing and Local Government asked its Housing Management Sub-Committee to give further consideration to the residential qualifications required by certain local authorities and also to investigate the practice and experience of local authorities in dealing with unsatisfactory tenants. A report on the first subject was published recently. The matter had been considered in a previous report when the view was expressed that all restrictions on admission to local authorities' waiting-lists for houses should be abolished as soon as conditions permit. Since then, the Ministry has asked local authorities to ensure that service-men and women should not be prejudiced in making applications for houses by their inability to satisfy a rigid residential qualification.

Cases were brought to the notice of the sub-committee where families had been unable to gain admission to the housing waiting-list of any local authority even although they had obtained work in another area. Some authorities require qualifications of five years residence or more and if the qualification is determined by a fixed date—for example residence in 1948—then many families have no hope of ever qualifying for admission to the list. Amongst the matters which emerged from the evidence received by the sub-committee was that about half the authorities who were consulted—predominantly in larger urban areas—have a residential qualification of no more than one year and a substantial number will accept employment in the district as an alternative qualification to residence. A large proportion relax their residential qualifications either completely or to some degree when dealing with applications from servicemen. But there is a wide variation of practice and it is usual for an applicant to be required to have lived continuously for a certain number of years in the district. It seemed to the sub-committee to be reasonable to draw a distinction between those who wish to live in a district because they are employed there and those who have chosen it only because it is a pleasant area to which to retire or from which to travel daily to work elsewhere.

The sub-committee gave special consideration to the problems caused by the duplication of applications through families having their names on various housing lists. But saw no objection to their being on two or possibly three lists provided they inform each authority what authorities they had applied to. On the question of " closed lists " it was suggested to the sub-committee that it is no help to a man to put his name on a list if there is no prospect of housing him in the area but it is urged in the report that this argument should apply only to those applicants who are adequately housed. For those in need it is suggested that the list should be kept open. Where no more land is available in an area it is suggested that the full extent of the demand should be considered so that it can be seen what provision should be made elsewhere.

Among other matters considered in the report are the industrial selection scheme for new and expanded towns, transfer of applications —which is advocated—and the plight of families who have had occasion to leave their home district for a short period and who have consequently had their names removed from the waiting list. It is suggested that authorities should exercise reasonable flexibility in coping with this situation and should not automatically remove the name of a family whose absence is likely to be comparatively short. On the other hand it is considered that it is incumbent on the families themselves to notify the housing manager of their intention to return, so that there shall be no misunderstanding. In conclusion, the sub-committee concur with the opinion expressed in the previous report that all restrictions on admission to local authorities' waiting-lists should be abolished as soon as conditions permit. In their opinion the time for this removal has now arrived in a large number of districts. Further, the other recommendation in the first report is confirmed " that local authorities should ensure that, once an applicant is admitted to the waiting-list, his prospects of accommodation are not prejudiced because undue weight is attached to long residence when tenants are selected."

## ADDITIONS TO COMMISSIONS

### LUTON BOROUGH

Thomas Hastings Bennie, 48, Ferndale Road, Luton.
Siddon William Woollatt Bigg, 276, Stockingstone Road, Luton.
Mrs. Eileen Evans, Greenacres, Barton-in-the-Clay, Bedfordshire.
Alfred Messenger Facer, 100, Alexandra Avenue, Luton.
Mrs. Irene Florence Harris, 80, Stapleford Road, Luton.
Thomas Redvers White, 11, Hagdell Road, Luton.

# REVIEWS

**The County Court Practice, 1955. By Judge Dale, Bruce Humfrey and R. C. L. Gregory. London: Butterworth and Co. (Publishers) Ltd. Sweet & Maxwell, Ltd. Stevens & Sons, Ltd. Price 75s. net.**

The *Annual Practices* are difficult to review, because most probable readers are already familiar with them, and even the lawyer who subscribes for the first time will do so, as a rule, because he has been familiar with the work as a student or a junior practitioner, using some one else's copy. Moreover, the form of the work is set by statutes and by Rules of Court, and the reviewer can, therefore, not do much beyond calling attention to new details or other special features. The present edition of *The County Court Practice* is published on the eve of the enactment of the County Courts Bill, which proposes to increase the general jurisdiction to £400, and on the morrow of the announcement that the operation of the Legal Aid and Advice Act will be extended to the county courts. The publishers have anticipated the passing of the County Courts Bill by including in the preface a summary of its provisions, as amended at committee stage in the House of Lords. This will help those buying the new edition of the *Practice*, to prepare for the coming into operation of the Act; the manner in which new provisions will apply in different types of county court proceedings is set out in some detail.

The present edition also includes amendments made to the County Court Rules since the last edition appeared: these amendments have been incorporated in the text as printed in the work. The same has been done with amendments of the County Court Fees Order, 1949.

The year 1954-55 has produced four statutes of wide effect which will in part have to be administered in the county courts, namely, the Landlord and Tenant Act, 1954; the Housing Repairs and Rents Act, 1954; the Law Reform (Limitation of Action, &c.) Act, 1954, and the Hire Purchase Act, 1954. The Landlord and Tenant Act is the most important of these, at any rate to the county court, and has involved a good deal of alteration of the text. Notwithstanding the incorporation of new matter, it has been found possible by skilful editing to keep the size of the book practically to that of the previous edition. As before, it contains a good many things beyond the statutes and statutory instruments which govern the form of county court proceedings: that is to say, it can be relied upon for the text of some of the most important statutes conferring substantive rights, so far as these are enforced in the county court, and its precedents of costs are invaluable. There are, of course, other works where the reader will find particular statutes, such as the Agricultural Holdings Act, 1948, and the Acts dealing with bills of sale or coal mining. It will, however, often be useful to have these topics (and others) dealt with in one cover; subscribers can be advised to make a note of the number of miscellaneous statutes, from which the necessary extracts have been printed. There are even to be found such apparently remote topics as the Rivers (Prevention of Pollution) Act, 1951, and the Tithe Acts, 1936 and 1951. The County Court Directory which forms Appendix II is another useful feature, since particulars of addresses and telephone numbers which are not given in ordinary directories are collected here. The moral of all this is that the work contains everything that is needed in a practice book, and a good many pieces of information which might not at first sight be expected, but nevertheless are of daily practical importance. In proportion to the value given to the general practitioner its price is low.

**Applications for Planning Payments. By A. E. Telling and F. H. B. Layfield. Butterworth & Co. (Publishers) Ltd. London: 1955. Price 38s. 6d. net.**

This book should, we think, be regarded as complementary to others produced by the same publishers dealing with the Town and Country Planning Act, 1947, and the later Acts. It deals specifically with one of the most obstinate problems of town and country planning, namely, the financial problem—which began with the comparatively simple conception of betterment and compensation, and ended with the £300 million fund, and the erection and demolition of a great structure of payments in and payments out, between 1947 and the present day. The learned authors have treated the financial problem by way of narrative chapters, in preference to printing the Acts and annotating them section by section. This will enable the practitioner, who has to concern himself with this intractable block of property law, to grasp its present form and its historical setting. The work begins with a chapter on the origins of the financial problem, and then explains the financial provisions of the Act of 1947. There is information about these to be had elsewhere, and the chapters are therefore comparatively short. With chapter 3 the learned authors come to an outline of the new provisions, and thereafter proceed to deal chapter by chapter with all the different cases that may arise. There are many occasions when the Central Land Board, which stands at the centre of the maze, has to be "satisfied," or to have an opinion upon a person's rights, and in most of these cases there is further recourse to the Lands Tribunal. The procedure here is governed by s. 13 of the Act of 1954 and the Central Land Board Payments Regulations; after the other matters of detail have been dealt with, the book proceeds to explain the machinery of appeals to the Lands Tribunal and thence to the Court of Appeal and, by leave, to the House of Lords.

Part III of the work deals with compensation for planning restrictions, and treats separately of compensation for past decisions and for those after the beginning of the present year, with special explanation of the points of greatest difficulty, such as the "established claim" or the third schedule to the Act of 1954.

The financial portion of the work deals briefly with compensation on compulsory acquisition, as modified by the Act of 1954, and after this there are appendices of forms and statutory rules. A useful bibliography beginning with the Barlow Report of 1940 is appended.

It is too soon to be sure how far solicitors in private practice are going to be called on to master all this planning legislation, but it is certain that many of our own readers in the local government world will have to do so. The more help they can get in this task the better, and it seems to us that the authors and publishers of the present work have thought of a way to give great help, by weeding out from the other provisions of the Acts those which have specially to do with planning payments.

**Medical Problems of Old Age. By A. N. Exton-Smith, M.A., M.D. (Cantab.), M.R.C.S. Bristol: John Wright & Sons, Ltd. The Stonebridge Press. Price 30s. net.**

This is the first book which has been published in Britain dealing with the application of modern knowledge to the treatment of elderly persons. Although written primarily for the medical profession, much of it is of value to the administrator and the sociologist and it certainly should have a place in every public library. Those who are interested generally in the welfare of the elderly will also find much of value in the book. It is suggested, for instance, that doctors must be good listeners as the elderly person has a tendency to verbosity. This advice is just as important to the official or voluntary worker who is consulted by elderly people on their problems. In referring to the importance of diet in the maintenance of health and the incidence of malnutrition, it is mentioned that it has been suggested that malnutrition and starvation cases should be notified by the general medical practitioner to the medical officer of health so that the health visitor may investigate the social conditions of such cases. The author points out that unsatisfactory housing, loneliness and depression are important contributing facts, so doctors, and others concerned, should know of the services which are available as preventive measures. Preparation for retirement is another matter which is considered in the book and the author urges that this should be commenced before old age ensues. He supports the view which has been often expressed that the essential aim is to maintain as many old people as possible in their own homes by medical care, the provision of welfare services, guidance and general supervision, and to prevent their mental and physical deterioration. The proportion of fully ambulant persons declines sharply after the age of 75 by which time 10 to 15 *per cent.* of old people are confined to the house. Women outnumber men in the very high age groups so the author points out that any future plans for the physical care of old people will be concerned more with women than men. He has found that a feeling of insecurity is a prominent psychological problem for many elderly people. Sometimes fear prevents medical advice being sought early enough. He has found also that the prospect of admission to hospital gives rise to marked apprehension to most elderly people. Sometimes admission to hospital has an adverse effect and often causes bewilderment. He suggests as particularly important, that the morale of such patients, without members of their family to visit them when in hospital, should be maintained by visits from their general practitioner, their minister of religion, their friends and voluntary social workers.

**Women of the Streets. A Sociological Study of the Common Prostitute. Edited by C. H. Rolph for the British Social Biology Council. London: Secker and Warburg. Price 21s. net.**

This book is the result of painstaking and unprejudiced investigation by an experienced research worker into an age old problem which most people are inclined to regard as incapable of satisfactory solution. It is not a pleasant subject, and many readers will be shocked and disgusted at learning something of what goes on in the world of the prostitute and the bully. As Mr. Rolph says in his introduction, it makes an appalling social document, but if it is frank in expression, it is obviously outspoken because the object is to tell the truth plainly, never to gloss over what is unpleasant.

The research was limited, but within its limits thorough, and the result is expressed with restraint and care. As much of the information was obtained from the women, the reader is warned that the statements may or may not be wholly true. He must judge for himself what is the value of the evidence, and often it rings true.

The somewhat cynical statement that the police and the prostitutes have between them arrived at what might almost be called a working but pointless compromise is probably not far from the truth. The police must know that they cannot stamp out prostitution and the women must realize that the police are bound to do what they can to prevent annoyance and public scandal. The fact that many women are arrested at fairly regular intervals is constantly mentioned as supporting the belief that some sort of compromise, tacitly at all events, has been arranged. This does not imply police corruption. Many of the women speak well of the police and it is clear from the evidence of the women that policemen and policewomen are ready to advise and help in times of emergency or trouble, and anxious to prevent newcomers from continuing on the road which they have just begun to tread. As one woman said, " They're damned decent, if you're decent to them."

The necessity for proving that solicitation has caused annoyance is often criticized, because it is said that in fact there is very little annoyance and that policemen are tempted to invent it. This was evidently a sore point with many of the girls interviewed. Many people are urging today that the law needs amendment. Be that as it may, perhaps it is true, in the words of this book, " that all the punitive legislation in the world could make no real impression on this problem. It is a problem, in essence, of parent and child, its solution lies in happy homes and the manifold securities that are to be found in them."

# CORRESPONDENCE

*The Editor,*
*Justice of the Peace and*
*Local Government Review.*

DEAR SIR,

## DUMPER VEHICLES

With reference to the report under " Law and Penalties in Magisterial and Other Courts " No. 34, in your periodical dated May 7, 1955, you quote an interesting case respecting " dumper vehicles."

I would like to draw your attention, as a point of interest, to the following case, prosecuted at Romford magistrates' court on June 7, 1955.

On April 17, 1955, a police officer saw a Bedford diesel engine dumper being driven on a public road by a 17 year old youth. When questioned, this youth admitted that the vehicle belonged to the firm by whom he was employed as a labourer and watchman, and occasionally for driving the dumper on the site of the works.

He admitted that he had driven it from a nearby large housing estate without the authority or consent of his employers, and that he was driving it to his home to fetch wood.

The dumper was properly registered and taxed at £12 10s. *per annum*.

Proceedings were taken against this youth for (1) taking the vehicle without consent of the owner, (2) driving an uninsured motor vehicle, and (3) driving a motor vehicle when not the holder of a driving licence.

The evidence in the case was given, and, without comment from the magistrates or clerk of the court, he was convicted as follows:

1. Fined £2.
2. Fined £3, and disqualified for holding or obtaining a driving licence for 12 months.
3. Fined 10s.

The dumper vehicle had brakes, but no windscreen, mirror, or other such accessories.

Yours faithfully,
H. CHAPMAN,
Chief Inspector.

Divisional Headquarters,
Police Station,
Hornchurch, Essex.

*The Editor,*
*Justice of the Peace and*
*Local Government Review.*

DEAR SIR,

As an illustration of the sort of matter to which you refer in the last paragraph of your note on " Justices and their Clerks," in your issue of July 2, you may be interested in the following episode which occurred only on the day preceding that upon which your note appeared.

The case concerned an application for the removal of a disqualification. The applicant, about a year ago, was convicted of dangerous driving, and was disqualified for two years, and an order was made under the Road Traffic Act, s. 6 (3), that he would be further disqualified from obtaining a licence until he had passed a driving test.

The grounds upon which the application were based are not material to the present matter; at the end of the case, before the magistrates retired to consider their decision, I advised them that they had power if they were minded to grant the application, to defer its operation until, say, August 31, 1955. They then retired without me.

On returning, the chairman announced that the application would be granted provided the defendant passed a driving test not later than October 30, 1955. I had to point out that such an order was not one which it was within their powers to make, since the applicant could not even obtain a provisional licence until the disqualification for two years had been removed. All this, unfortunately, took place in the hearing of everybody, and it was obvious that I was having to put the justices right, and a discussion ensued in which the applicant's solicitor joined as to the period which had to elapse between obtaining a provisional licence and applying for a driving test, and as to the delay which took place before actually taking the test. In the result, the justices altered their order by granting the application but deferring its operation until August 31, 1955.

I need hardly say that if I had retired with the justices, such an episode could not have occurred; I doubt if any clerk could have anticipated that his justices would have wished to make such an order.

Yours faithfully,
JUSTICES' CLERK.

*The Editor,*
*Justice of the Peace and*
*Local Government Review.*

DEAR SIR,

In P.P. 5 at p. 373, *ante*, you discuss the question whether evidence may be given on a charge of manslaughter and dangerous driving that the defendant had taken intoxicating drink, although there is no charge of driving under the influence of drink. In the debate in the House of Lords on the Road Traffic Bill of March 14, 1955, the Lord Chancellor discussed the case of a man driving at 45 *m.p.h.* after he (the driver) had had two whiskies-and-sodas. The Lord Chancellor said that cases could occur in which evidence of having taken drink would be highly prejudicial and would have evidential value (*sic.*). He continued that Judges and benches must consider the circumstances of the case and be guided by the rule that they will admit the evidence if they think it relevant and exclude it if they think it to be merely prejudicial. It is not entirely clear whether his Lordship had in mind the case where there was evidence of driving under the influence of drink or whether merely a case where the defendant was not under the influence of drink but had taken drink; I rather think, however, that it is the latter.

Lord Kilmuir did not refer to the case of *R.* v. *Carr* (1934) 24 Cr. App. R. 199, where it was held that a charge of driving a motor vehicle under the influence of drink should not be tried together with a charge of manslaughter, even if counsel for the defence consents to such a course being taken.

This case is cited in the current edition of *Archbold* as still being good law.

Yours truly,
CAMBRIAN.

# LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 61.

## THE THEFT OF GROWING TREES

A former Army officer appeared at Watlington magistrates' court last month and pleaded not guilty to a charge of stealing between January and May of this year four fir trees, a larch, an oak and an ash tree, then growing in a wood at Pyrton, the value of the trees so stolen exceeding the amount of £5, namely £7, contrary to s. 8 of the Larceny Act, 1916.

For the prosecution, evidence was given that when the wood was visited on May 9 last it was seen that four fir trees had recently been cut down, leaving stumps. An oak, a small ash and a young larch tree had also been cut down. The firs were 12–14 *in.* thick and 20–30 *in.* high. The trees were not isolated but formed part of a plantation and the total value of the trees cut down was £7. The oak tree was still *in situ* but the others had been removed. Defendant called on witness and asked to settle the matter out of court but was told that it was already in the hands of the police.

A detective-constable gave evidence that when he saw the defendant and told him of the complaint the latter said that he had had one fir tree for a swing. When taken to the wood and shown the sawn-off stumps of the larch tree and oak tree he admitted that he had had the ends of the oak, but denied that he had sawn it down. When the stump of the ash was pointed out to the defendant he said "I did have that piece." The stumps in the wood were covered over with moss and soil.

Defendant, on oath, stated he had been into the wood on several occasions and had never hesitated to use fallen timber for firewood. In the area there was about 100 *tons* of fallen and cut timber lying rotting on the ground. He admitted that he had cut down two small trees—firs or pines—with 6–8 *in.* butts and 25–30 *ft.* high. He had made a swing in his garden out of them. Defendant said he knew that what he was doing was wrong, but he did not do it with any criminal intent, nor to profit financially.

In reply to a question from the bench, defendant agreed that he had covered the stumps to hide what he had done, and that that fact was in itself an admission of guilt.

Defendant was fined £15.

*COMMENT*

It is necessary always to consider carefully what charge should be preferred when a case similar to that reported above comes to notice, for more than one Act of Parliament has struck at those who do not hesitate to cut down trees belonging to another.

The charge was brought in this case under s. 8 (2) of the Larceny Act, 1916, and the subsection itself is divided into three parts. By para. (*a*) of the subsection a person who steals a growing tree in any place whatsoever, where the value of the article stolen amounts to not less than 1*s.*, may be convicted if he has two previous summary convictions for any such offence. By sub-para. (*b*) the theft of growing trees in a park, garden, orchard, etc., where the value of the article stolen exceeds £1, may be prosecuted under the section, and by para. (*c*) an offender may be prosecuted for the theft in any place whatsoever of growing trees where the damage done exceeds £5. Offenders may be punished with imprisonment for a term of five years.

In assessing the value of the trees stolen, it is permissible to lump together two or more trees if taken at the same time or so as to form one continuous transaction.

Other cases of theft of trees not falling within the ambit of s. 8, *supra*, may be prosecuted under s. 33 or s. 35 of the Larceny Act, 1861.

It will be observed that the court apparently found the defendant guilty of stealing the oak tree which had been cut down and left *in situ*, and this decision emphasizes the very slight degree of asportation necessary to fulfil that part of the definition of stealing which is to be found in s. 1 of the Larceny Act, 1916, which refers to "a person who steals . . . takes *and carries away* . . ."

The writer has dealt with this case at some little length, for it is common knowledge that trees, suitable for use as Christmas trees, are the object of well planned raids in December each year, and it is comforting to know that offenders risk heavy punishment if caught.

(The writer is greatly indebted to Mr. T. E. Gardiner, clerk to the Watlington justices, for information in regard to this case.)

R.L.H.

No. 62.

## A BOOKMAKER IMPRISONED

A bookmaker appeared before the Scarborough magistrates on June 24 last, charged with keeping premises for ready-money betting contrary to s. 3 of the Betting Act, 1853.

For the prosecution, it was stated that watch was kept on defendant's premises and a large number of people were seen to be using them. When the premises were raided it was found that there were printed notices on the wall regarding ready-money betting. The police took possession of 76 ready-money betting slips. Defendant was found to have £310 in notes in his possession and a further £18 on a desk at which he was standing behind a grill.

Defendant, who pleaded guilty, said that he tried to do as much credit business as possible, but people came from the West Riding to Scarborough on holiday and it was impossible to give them a credit account because they were unknown.

Defendant, who was sentenced to three months' imprisonment, appealed against sentence and the matter came before the learned recorder at Scarborough quarter sessions on July 14 and 15 last.

It was stated (at magistrates' court) that defendant had 32 previous convictions for the same offence since 1934, almost all of them at Leeds and a few at Scunthorpe. In 1953, he was fined 10 times in Leeds and twice in Scunthorpe; the fines ranged between £10 and £75. In 1954, he was convicted 10 times in Leeds for the same offence, and on eight occasions he was fined £100, the maximum penalty.

On the tenth occasion an absolute discharge was granted to the defendant by the Leeds magistrates on condition that he closed his offices there. In February of this year defendant, who had closed his offices in Leeds, came to Scarborough.

It was contended before the learned recorder that the case was a very bad one and that the justices were fully justified in the decision they had taken.

For the defence, it was urged that for many years the Leeds police had pursued a policy of unofficial licensing by fines and had prosecuted offenders for using premises for ready-money betting once a year, but that recently there had been a sudden change of policy following the dismissal of several Leeds police officers for taking bribes. The change of policy had put many bookmakers out of business and following the eight fines of £100 each, defendant had been put out of business.

Counsel for the defendant stated that if the prison sentence stood it would be the first time anyone in Scarborough, or elsewhere in the country, had been imprisoned for such an offence.

The learned recorder said that although it had been urged that fines of £100 would suffice to drive bookmakers out of business, such a means would involve a great waste of time by the police. "I don't feel that I can say the justices were wrong in principle. On these grounds, I feel, reluctant as I may be, that I must dismiss this appeal with costs," said the recorder.

*COMMENT*

It is a little difficult to understand the reluctance of the learned recorder to dismiss the appeal, for if ever there was a case in which a person had clearly deliberately set out to flout the law, this is it, and it had been made abundantly apparent by the defendant that the imposition on him of a fine of £100 was insufficient to deter him from openly continuing to flout the law.

The writer has repeatedly urged in these reports and elsewhere that steps should be taken to grasp the nettle, and to amend courageously our outmoded betting laws which do not, as matters stand at the present day, do equal justice to all classes of the community.

The fact that the laws are unjust and outmoded cannot, of course, be pleaded as an excuse for defying them, and the Scarborough magistrates have, it is submitted, taken the only possible step open to them by sending this offender to gaol.

It is greatly to be hoped that reports of this case will circulate widely so that other magistrates may know what action their colleagues at Scarborough have taken, and there can be little doubt that the bookmaking fraternity, who are unequalled in their skill at communicating with each other by devious methods at race meetings, will learn of the fate of their colleague at Scarborough and may think twice before defying the law in the manner in which he did.

(The writer is greatly indebted to Mr. E. R. Horsman, clerk to the Scarborough justices, for information in regard to this case.)

R.L.H.

## PENALTIES

Windermere—July, 1955. (1) Driving a motor cycle while under the influence of drink. (2) Dangerous driving. (1) Fined £20 and disqualified for five years. (2) Fined £25. Defendant asked for a long period of disqualification. When defendant was arrested his wife, who was riding pillion, attacked the police with her handbag. She was fined £5 on each of two charges of assaulting policemen in the execution of their duty.

# PRIVILEGED PARTIES

The statement that all men are equal before the law is one of those easy generalizations that is seen, on analysis, to require a good deal of qualification. This country has never taken kindly to the egalitarian doctrines proclaimed by the revolutionary leaders of America and France, though the privileges of birth and rank disappeared much earlier in our history than in theirs, and with considerably less upheaval and bloodshed. Privilege of other kinds has, however, been established by statute and usage for offices and institutions of many varieties, and the process shows few signs of discontinuance.

So far as substantive law is concerned, the ancient doctrine that the King can do no wrong has been swept away, in recent years, by the Crown Proceedings Act, under which most government departments can be sued in the same manner as private individuals. The rules of evidence nevertheless still permit the withholding of material documents which the appropriate Minister has certified it would be against the public interest to produce. This practice has not always been free from abuse, and has, in several recent cases, been the subject of judicial protest; its perpetuation is regarded by many jurists as an outworn survival which makes a mockery of the doctrine that justice must not only be done but must manifestly be seen to be done. In its present form its days would seem to be numbered; but no government is likely wholly to relinquish its right to withhold confidential papers from the public gaze, whatever the inconvenience and hardship to private litigants.

Judicial privilege is another matter altogether; so far as the High Court Bench is concerned, it amounts to a complete immunity. No sanction lies against a Judge for anything performed in his judicial capacity, even though he may act or purport to act in excess of his jurisdiction; the decision itself may be reversed by a higher court, but the person and office of the Judge are immune from penalty. Only the long tradition of incorruptibility and impartiality, and the high sense of responsibility, of the High Court Bench justify such absolute power. Complete independence of control or influence by the executive departments of State is itself a guarantee against oppression and tyranny, and no right is more jealously guarded. It is curious to reflect that, under our system of democracy, the ultimate appeal against injustices committed by an elected administration should lie to the judicial officers of the Crown, appointed by nomination and irremovable by executive act or popular will.

Parliamentary privilege is, in the main, the right of each House to regulate its own affairs without interference from any member of the public or from the Crown itself. The distinction, in our constitutional system, between the supremacy of Parliament as a whole and the rights and privileges of each separate House, was clearly illustrated, a century ago, in the related cases of *Stockdale* v. *Hansard* and of *The Sheriff of Middlesex*. In recent years the courts have exercised their undoubted right, in the course of defamation proceedings taken by an M.P., to hear evidence of what was said and done by certain members during a sitting of the House of Commons; such right would seem to be unaffected either by the rules of parliamentary privilege or by statute.

Trades Unions have had a chequered career, from the days when their formation constituted a criminal conspiracy, to their present privileged position. This is not the place to detail the history of the movement; to weigh the enormous power they wield against the sense of responsibility (or otherwise) with which that power is on occasion exercised belongs to the realm of politics rather than law. There can be no doubt, however, that the bloodless social revolution of the past 50 years has entrenched their organizations in a far more potent position than has been attained by any group of individuals since feudal times.

Diplomatic privilege was established by statute in the reign of Anne—the sequel, it is said, to the arrest of the Russian Ambassador for an undischarged debt. The institution, however, goes much farther back than that; the sacrosanct position of an ambassador was recognized in biblical times, and in Ancient Greece, long before the classical era, his person was regarded as inviolable. The *Iliad* depicts him, even during hostilities, as under the special care of the Gods, and he comes and goes freely, between the opposing forces, under a flag of truce which the fierce warriors on both sides rigidly respect.

This matter is of topical interest, since Parliament has in recent weeks been discussing the steadily increasing number of officials of foreign and international organizations on whom diplomatic immunity has been conferred. In a debate on the Second Reading of a Bill to confer such privilege upon members of the European Coal and Steel Community, concern was expressed by several M.Ps. at the extension of the classes of persons not subject to the jurisdiction of our courts. One speaker in the debate told the story—apocryphal or otherwise—of a grand piano flying out of the window of a London Embassy and falling upon a car parked outside, the owner of which (it was said) could take no legal action against the diplomat allegedly responsible for this summary method of furniture removal. *Res ipsa loquitur*, one would say; not even a Macchiavelli would venture to assert that a Counsellor or a First Secretary, however many bricks he may drop in the course of his duties, can fling a piano about the streets and get away with it. One can only suppose that the instrument was so badly out of tune as to justify such drastic action on aesthetic grounds; the necessary *détente* can best be achieved, and diplomatic harmony restored, by a request to the Foreign Office to declare both instrument and performer *personae non gratae* and to demand their instant recall to their native shores. A.L.P.

# PARLIAMENTARY INTELLIGENCE

**Progress of Bills**

**HOUSE OF LORDS**

Wednesday, July 27

VALIDATION OF ELECTIONS BILL, read 2a.

**HOUSE OF COMMONS**

Monday, July 25

LOCAL GOVERNMENT ELECTIONS BILL, read 1a.

Tuesday, July 26

CLEAN AIR BILLS, read 1a.

Wednesday, July 27

FRIENDLY SOCIETIES BILL, read 3a.

# NOTICES

The next court of quarter sessions for the city of Coventry will be held on Monday, August 8, 1955, at the County Hall, Coventry, commencing at 11 *a.m.*

# PRACTICAL POINTS

**All questions for consideration should be addressed to " The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.**

**1.—Bastardy**—*Arrears—Enforcement after expiration of order—Defendant in Scotland.*

An affiliation order was made against a man in respect of a child until the child attained the age of 15 years. The man is now residing in Scotland and the child has recently attained the age of 15 years. Arrears under the order are outstanding.

Is it possible in any way to transfer the collecting of these arrears to a court in Scotland for enforcement there, instead of issuing process to bring the man before this court? SORTHO.

*Answer.*

The ordinary procedure would be to register the order in a Scottish court in accordance with provisions of the Maintenance Orders Act, 1950, ss. 16, *et seq.*, and a certificate of arrears would be sent under s. 20. The doubtful point in this case is whether an order which has expired can be so registered, but, with some hesitation, we suggest that it can. The order is still of effect as entitling the complainant to have arrears under it enforced; therefore we think the order may be sent to Scotland for registration.

**2.—Bastardy**—*" Single woman "—Married woman who has left husband on ground of cruelty.*

A young English girl (who has previously been before the justices as in need of care and protection) commenced an association with a coloured man with the result that a child was born to her of which she alleges the coloured man to be the father. Some little time after the birth she applied to the magistrates at X for an affiliation order. She was not represented by a solicitor but the coloured man was. The result was the magistrates dismissed the case for want of corroboration without calling upon the coloured defendant.

A short time later the girl married another man who she alleges treated her with serious cruelty and she left him a month after the marriage. Shortly after this she went back to *live* with the same coloured man who then acknowledged paternity of the child, even having the photographs of all three taken together and opening a banking account in the child's name.

During police inquiries into alleged vice of a certain city, she was advised by the police to leave the coloured man and she did. Very shortly before the expiration of 12 months from the date of birth of the child she consulted us and a fresh summons was issued. This was heard recently and the defence took the preliminary point she could not bring herself within the definition of a single woman within the terms of the Act.

My view is that she can and I recall that you appear to have expressed a similar view in the last part of an article at 115 J.P.N. 679, but had not this at court with me. I have now re-read the article which appears to confirm my view and the case law cited therein also appears to support my view as does by analogy parts of the judgment of *Taylor* v. *Parry* [1951] 1 All E.R. 355; 115 J.P.N. 119. The only case of any importance that I can find since this is the case of *Mooney* v. *Mooney* [1952] 2 All E.R. 812; 116 J.P.N. 608, but this does not appear to take the matter any further.

In this particular instance I would be glad of your views and if by any chance you can refer me to any more recent authorities or articles which I have omitted I shall be grateful. SURDA.

*Answer.*

We cannot quote any decided case as authority for saying that this woman is a " single woman," but having regard to the observations of the Lord Chief Justice in the cases cited above, we think it possible that she might be held to be a " single woman." Only the High Court can decide whether the interpretation of the words " single woman " is to be extended to cover such a case. We do not think the justices would be acting unreasonably if they entertained the application.

**3.—Criminal Law**—*Larceny—Simple larceny or larceny by servant.*

I shall be pleased if you can give me your valued opinion on a recent incident that has occurred here:

A woman is employed as a pottery sprayer at a very small works where there are no more than half a dozen women employed, and this works consists of a shed affair which is situated at the rear of the house of the employer. The woman in question is allowed in the course of her duties to enter her employer's house to go to the kitchen to wash the cups after a tea break. She is not allowed in any other part of the dwelling-house. This woman, whilst washing the cups, has gone into another room and has stolen money from a purse which is kept in the sideboard. It is not part of her duties to go into this room and she is employed solely as a pottery worker.

Can you tell me what offence this woman has committed? My colleagues contend it is simple larceny because this woman was acting outside the duties for which she was employed when she entered this room where she was not permitted and stole the money. My contention is that she has committed the offence of larceny as a servant, inasmuch as the money she takes belongs to her employer and when she does take it, it is in the working hours for which she is being paid by her employer, and although she has gone in a different room to which she is not allowed access—this makes no difference whatsoever, as she is still under the authority of her employer at the time. TUNDAL.

*Answer.*

The woman was a servant and was allowed about the premises because of that fact, and we consider this a case of larceny by a servant. The fact that she had no authority to enter the particular room does not seem material.

**4.—Election**—*Local government—Return of expenses—Duty of clerk of council.*

In connexion with the recent triennial election of rural district councillors and parish councillors a number of candidates, both elected and unsuccessful, have failed to furnish the requisite returns and declarations as to election expenses. In some instances where candidates were returned unopposed it is believed that the return would be " nil " but I am advised that even in such cases the returns should be made. So far as I can see there is no positive requirement that I should, in my capacity as clerk of the rural district council and thereby the returning officer, take any action, but I would be glad if you could advise me on this point. My own inclination is to advise the individuals concerned of their position and inform them that unless they take the appropriate steps to obtain relief from the consequences of their action I should have no alternative but to report the matter, presumably to the Director of Public Prosecutions, for such action as he may deem appropriate. ALBANO.

*Answer.*

We agree that a nil return is obligatory. We also agree that you are not obliged by any express enactment to take action, but the statutory requirement could be farcical if the returning officers did nothing about disobedience. We are sure that you have a duty to do as you propose, by necessary implication in your statutory function.

**5.—Fines, etc.**—*Instalments—Whether order to pay by instalments can be varied.*

When a magistrates' court has ordered payment, of a sum adjudged to be paid, by instalments, can the instalment order be varied or revoked?

Section 63 of the Magistrates' Courts Act, 1952, refers. SARMO.

*Answer.*

By s. 63 (3) the court is empowered if there is default in paying an instalment to proceed for the recovery of all the instalments remaining unpaid. This has the effect of revoking the order for payment by instalments, but apart from this we do not think the court can go back on its order. If, however, it is a question of accepting smaller instalments, we can see no real objection as this is in favour of the defendant and is like granting further time for payment, which is authorized by s. 63 (2).

**6.—Licensing**—*Application for order enlarging permitted hours—Application presented at second session of general annual licensing meeting—Whether it may be considered at a meeting held later than one month after first session.*

Since the date of the first session of the general annual licensing meeting, the clerk to the licensing justices for this division has received a letter giving notice of intention to make application at the second session with a view to a proposal under the Licensing Act, 1953, s. 101 (2) (a) being considered and the necessary notices being published. If the application is then made and granted, it will in fact be necessary for the licensing justices to further adjourn the annual meeting to a date later than one month from the date of the first session. At such an adjourned meeting no " new " business can be considered. A somewhat similar situation arose in the case of *R.* v. *Wandsworth Licensing JJ., ex parte Rogers* [1936] 2 All E.R. 394; 100 J.P. 363, but in that case the application had been first initiated on or before the first meeting of the licensing justices.

I shall be glad if you will advise me whether or not, in your valued opinion, the above facts are within the scope of the decision in *R.* v. *Wandsworth Licensing JJ.*, and if the application is heard and granted at the second sessions, the annual meeting may be properly further adjourned in order that the proposal may be advertised and considered.

O. SILVER.

*Answer.*

In our opinion, para. 6 of part I of sch. 2 to the Licensing Act, 1953, and the case of *R.* v. *Wandsworth Licensing JJ., ex parte Rogers* (1936) 100 J.P. 363, enable licensing justices to consider this application at a meeting held later than one month after the first day of the general annual licensing meeting. We do not think that the *Wandsworth* case is distinguishable from the situation in our correspondent's case on the sole ground that in the *Wandsworth* case an earlier application had been made (and refused) at what corresponds with what is now described as the first session of the general annual licensing meeting.

**7.—Husband and Wife**—*Maintenance Orders (Facilities for Enforcement) Act—Variation of confirmed order—Parties now in England.*

A married woman obtained an order against her husband, who was abroad, for the maintenance of her three children, and the order was duly confirmed under the provisions of the Maintenance Orders (Facilities for Enforcement) Act, 1920. The husband has now returned to England and the wife desires to make an application for the variation of the original order by increasing the amounts payable in respect of the children. It would rather appear that such a variation would have to be confirmed by the confirming court even although both parties are now resident in England. (Section 3 of the before mentioned Act.)

Do you agree?

SORTHA.

*Answer.*

We dealt with a similar question at 118 J.P.N. 570. We are still of opinion that the wife might in such circumstances be in a position to obtain a fresh order in this country, but we have been considering whether there is any other course open to her, and we think there may be, although it is certainly not beyond doubt.

The Act of 1920 provides a procedure and machinery for the making and enforcement of orders when one of the parties is in this country and the other is in some other part of the Queen's dominions. When it subsequently happens that both are in England, that procedure is not appropriate, and there appears to be no point in transmitting documents to a court for confirmation when that court cannot have a hearing in the presence of either party, and when in fact both parties can appear and be heard in the same magistrates' court in England under the ordinary procedure of such a court. These provisional orders are, it is submitted, made under the Summary Jurisdiction (Separation and Maintenance) Acts, the Act of 1920 being only a special procedure. If that be conceded, it would appear that once the parties are both in England, the Act of 1920 can be disregarded and the order be treated like any other substantive order made under the Summary Jurisdiction (Separation and Maintenance) Acts, and the order be varied by an English court under s. 7 of the Summary Jurisdiction (Married Women) Act, 1895, or s. 53 of the Magistrates' Courts Act, 1952.

**8.—Magistrates**—*Practice and procedure—Summing up by the clerk to assist justices in appreciating points of law which are involved.*

I find, as a police officer, that the question of what can amount to corroboration, the importance and relation of credibility to corroboration, and system from the point of *R.* v. *Straffen* [1952] 2 All E.R. 657; 116 J.P. 536, etc., is not understood by lay magistrates as the interests of *justice* require.

I find this matter to have been aggravated since the ruling that the clerks to the justices must not retire with the justices until requested. The facts and the law are so inter-related that in many cases the law is lost sight of and a decision given before the clerk appreciates the position. I sympathize with the magistrates as I do not expect them to sit burning the midnight oil, reading law.

If I were a justices' clerk I would, on completion of the case of the prosecution and defence, "sum up" briefly and point out what the prosecution has to prove, and whether that which is tendered as corroboration does in law amount to corroboration.

JALEY.

*Answer.*

We realize that justices, where the parties are not represented, must find it difficult at times to appreciate when a point of law is involved, but we feel that the High Court would probably disapprove of any general practice of summing up by the clerk.

If in any case the clerk realizes that special difficulties are involved there can be no objection, subject to the justices' approval, to his tendering advice on law which he thinks may help the justices, but he must avoid expressing himself in such a way as to suggest to them how they should decide on the facts. Such advice could include reference to any relevant decision on corroboration, if that were in issue.

**9.—Public Health Acts**—*Dangerous riding*, 1925 *Act*, *s.* 74 (2)—*Prosecution by police.*

At a magistrates' court in this division on November 10, a person was prosecuted by the police for riding a pedal cycle dangerously, contrary to s. 74 (2) of the Public Health Act, 1925. The proceedings arose out of a road traffic accident in which a pedestrian was injured by the pedal cyclist concerned.

The defendant pleaded not guilty and after the conclusion of the case for the prosecution, the defending solicitor made a submission to the bench that the police were not authorized to prosecute under the Public Health Acts by virtue of the restriction imposed by s. 298 of the Public Health Act, 1936. After retiring to consider their decision the magistrates dismissed the case.

I am given to understand by the learned clerk that the magistrates felt there was some substance in the submission of the defending solicitor. The clerk is inclined to agree with this view and suggests that in future cases of this nature proceedings might be taken under s. 78 of the Highway Act, 1835. I am doubtful that the above submission is correct and shall be grateful for your opinion in the matter.

JARKO.

*Answer.*

The general rule is that laid down by s. 253 of the Public Health Act, 1875 (not s. 298 of the Act of 1936 as stated in the query. By sch. 3 to the Act of 1936, s. 253 of the Act of 1875 is kept alive for the purposes *inter alia* of the Act of 1925: *see* s. 1 (3) thereof). In *Jobson* v. *Henderson* (1900) 64 J.P. 425, it was held that the general rule did not extend to an enactment (incorporated) in the Act of 1875, which expressly authorized a constable to arrest *and convey before a justice* a person committing an offence within his view. Section 74 (2) omits the words we have italicized, but we are inclined to think the Divisional Court, looking to the express power of arresting without warrant, would say that the constable who arrests can prosecute. Where there was no arrest at the time, s. 253 applies.

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**NOTIFICATION OF VACANCIES ORDER, 1952**

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note:* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

## COUNTY BOROUGH OF HASTINGS

**Senior Assistant Solicitor**

APPLICATIONS are invited from Solicitors for the permanent appointment of Senior Assistant Solicitor in the Town Clerk's Office. The salary will be in accordance with the National Scales of Salaries, *viz.*, A.P.T. V commencing at £750 per annum and rising to a maximum of £900 per annum.

Previous Local Government experience will be an advantage.

The appointment is subject to (*a*) the National Scheme of Conditions of Service, (*b*) the Local Government Superannuation Acts, and (*c*) determination by one month's notice on either side.

Applications, endorsed "Senior Assistant Solicitor," stating age, qualifications and experience, and giving the names and addresses of three persons to whom reference may be made, must reach me not later than August 20, 1955.

Canvassing either directly or indirectly will be a disqualification.

N. P. LESTER,
Town Clerk.

Town Hall, Hastings.

## CITY AND COUNTY OF THE CITY OF EXETER

**Appointment of Assistant Solicitor**

APPLICATIONS are invited for the above permanent appointment at a salary in accordance with the National Joint Council Scale (£690 × £30—£900 per annum, commencing at £780 if person appointed has two years' legal experience since admission).

Applications giving relevant details, including the names of two referees, must reach my office not later than August 24, 1955.

C. J. NEWMAN,
Town Clerk.

10 Southernhay West, Exeter.

## COUNTY BOROUGH OF NEWPORT

**Vacancies For Two Assistant Solicitors Scale £690—£900**

THE starting point on the scale will depend on candidate's experience and potential ability. Applications from candidates awaiting result of recent Law Society Final Examination would be welcomed. Form of application obtainable from the Town Clerk, Civic Centre, Newport, Mon., returnable by Monday, August 15, 1955.

## BOROUGH OF HORNSEY

**Appointment of Senior Assistant Solicitor**

APPLICATIONS are invited from persons with experience in local government law and administration for the above appointment at a salary within A.P.T. Grades VI and VII, *i.e.*, £825—£1,100 (plus London Weighting allowance).

Further particulars and forms of application may be obtained from the undersigned, by whom applications must be received not later than Saturday, August 27, 1955.

The Council are unable to offer housing accommodation.

H. BEDALE,
Town Clerk.

Town Hall,
Crouch End, N.8.

## GOVERNMENT OF HONG KONG

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THE LANCASHIRE (No. 2) COMBINED Probation Area Committee invite applications for the post of whole-time female probation officer. Salary and appointment in accordance with the Probation Rules, 1949-55. The officer will be centred at Preston and serve the Preston Borough, Amounderness and Garstang Courts. Post superannuable, subject to medical examination. Applications, with two testimonials, to W. A. L. Cooper, Clerk of the Committee, Magistrates' Court, Lancaster Road, Preston, before August 15, 1955.

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FINSBURY Borough Council invite applications for the appointment, on the permanent staff of the Town Clerk's Office, of a Law Clerk, at a salary in accordance with Grade A.P.T. II of the National Scales (£560 per annum, rising by annual increments of £20 to £640) plus London Weighting (maximum £30). Applicants must have had substantial experience in a solicitor's office or in the legal department of a local authority. Applications, stating age, experience and qualifications, accompanied by copies of two references, must reach me not later than August 24, 1955.

HENRY A. DAVEY,
Town Clerk.

Finsbury Town Hall,
Rosebery Avenue, E.C.1.

## BOROUGH OF WANSTEAD AND WOODFORD

**Assistant Solicitor**

APPLICATIONS are invited for this appointment in A.P.T. VI (£825 × £35 — £1,000, plus £30 per annum). Local Government experience is desirable, but an otherwise suitable candidate in general practice with some experience in advocacy would be equally considered.

Applications, with details of admission, qualifications and experience, and names of two referees, should reach me by August 11, 1955.

A. McCARLIE FINDLAY,
Town Clerk.

Municipal Offices,
High Road,
Woodford, E. 18.

## BOROUGH OF TODMORDEN

**Appointment of Assistant Solicitor**

APPLICATIONS are invited for the above appointment. Salary on National Joint Council Scale (£690—£900 per annum). Superannuable post, subject to medical examination, terminable by two calendar months' notice in writing on either side.

Scope to earn re-designation as Deputy Town Clerk in due course.

The Council will be prepared to give consideration to the provision of housing accommodation in an appropriate case.

Applications, giving age, experience and qualifications, and names of two referees, to reach the undersigned, from whom further details may be obtained, by August 15, 1955.

J. D. MOYS,
Town Clerk.

Municipal Offices,
Todmorden.
July 29, 1955.

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